UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

39310	7590	06/17/2009

MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER
VEZERIS, JAMES A

ART UNIT	PAPER NUMBER
3693	

DATE MAILED: 06/17/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,762	03/24/2004	Mark W. Triplett	04-258	4274

TITLE OF INVENTION: SYSTEM AND METHOD FOR HOLDING AND SENDING AN ORDER TO A MATCHING ENGINE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$0	$0	$755	09/17/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE
  Commissioner for Patents
  P.O. Box 1450
  Alexandria, Virginia 22313-1450
  or <u>Fax</u> (571)-273-2885

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

39310   7590   06/17/2009

MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,762	03/24/2004	Mark W. Triplett	04-258	4274

TITLE OF INVENTION: SYSTEM AND METHOD FOR HOLDING AND SENDING AN ORDER TO A MATCHING ENGINE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$755	$0	$0	$755	09/17/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
VEZERIS, JAMES A	3693	705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE | (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
❑ Issue Fee
❑ Publication Fee (No small entity discount permitted)
❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)
❑ A check is enclosed.
❑ Payment by credit card. Form PTO-2038 is attached.
❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)
❑ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
❑ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.   OMB 0651-0033   U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,762	03/24/2004	Mark W. Triplett	04-258	4274

39310   7590   06/17/2009

MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER
VEZERIS, JAMES A

ART UNIT	PAPER NUMBER
3693	

DATE MAILED: 06/17/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 911 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 911 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	10/807,762	TRIPLETT, MARK W.
	Examiner	Art Unit
	JAMES A. VEZERIS	3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *RCE filed 2/26/09*.

2. ☒ The allowed claim(s) is/are *1-6,8-17 and 20-25*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

     * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

     (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

         1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

     (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
         Paper No./Mail Date _____.

     Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08),
     Paper No./Mail Date *2/26/09*

4. ☐ Examiner's Comment Regarding Requirement for Deposit
     of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
     Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

/JAMES A VEZERIS/	/James A. Kramer/
Examiner, Art Unit 3693	Supervisory Patent Examiner, Art Unit 3693

Detailed Action

The following communication is in response to telephone interviews held on 5/6/09. Examiner notes a terminal disclaimer was filed on 2/26/2009, in regard to patent 7,454,382.

Status of Claims

Claims 2, 4-6, 8-13, and 20-23 are original. Claims 1, 3, 14-17, and 24-25 are currently amended. Claims 7, 18-19, and 26 are cancelled. Claims 1-6, 8-17, and 20-25 are currently pending.

Allowable Subject Matter

Claims 1-6, 8-17, and 20-25 are allowed, subject to an examiner's amendment described bellow.

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Monika Dudek on 5/6/2009.

THE APPLICATION HAS BEEN AMENDED AS DETAILED IN FOLLOWING PAGES:

Claim 1.

A method for sending an order to an electronic exchange, the method comprising:

receiving, via a computer device, a command representing an order request that comprises an order to buy or sell a quantity of a tradeable object at a particular price;

temporarily holding the order request in a memory unit such that the order request is not sent to a matching engine at the electronic exchange until a preset rate of trades occurring at one or more prices to buy or sell the tradeable object is detected, wherein the preset rate of trades is based on an order quantity traded at the one or more prices;

receiving, via a computing device, market data comprising quantity and price information relating to the tradeable object being traded at the electronic exchange;

using the market data to determine, via a computing device a rate of trades occurring at one or more prices to buy or sell the tradeable object at the electronic exchange;

comparing, via a computing device, the rate of trades to a preset rate of trades; and

automatically releasing the order request to the matching engine at the electronic exchange upon detecting the preset rate of trades.

Claim 17

A method for sending an order to an electronic exchange, the method comprising:

receiving, via a computer device, a command representing an order request that comprises an order to buy or sell a quantity of a tradeable object at a particular price;

refraining from sending the order request to a matching engine at the electronic

exchange until a preset rate of trades occurring at one or more prices to buy or sell the

tradeable object is detected, wherein the preset rate of trades is based on an order

quantity traded at the one or more prices;

receiving, via a computing device, market data comprising quantity and price

information relating to the tradeable object being traded at the electronic exchange;

using the market data to determine, via a computing device a rate of trades

occurring at one or more prices to buy or sell the tradeable object at the electronic

exchange;

comparing, via a computing device, the rate of trades to a preset rate of trades;

and

automatically forwarding the order request to the matching engine at the

electronic exchange upon detecting the preset rate of trades.

Claim 25

A method for sending an order to an electronic exchange, the method

comprising:

receiving, via a computer device, a command representing an order request that

comprises an order to buy or sell a quantity of a tradeable object at a particular price;

displaying at a user terminal a first type of indicator representing the order

request;

refraining from sending the order request to a matching engine at the electronic

exchange until a preset rate of trades occurring at one or more prices to buy or sell the

tradeable object is detected, wherein the preset rate of trades is based on an order

quantity traded at the one or more prices;

receiving, via a computing device, market data comprising quantity and price information relating to the tradeable object being traded at the electronic exchange;

using the market data to determine, via a computing device a rate of trades occurring at one or more prices to buy or sell the tradeable object at the electronic exchange;

comparing, via a computing device, the rate of trades to a preset rate of trades; and

forwarding the order request to the matching engine at the electronic exchange upon detecting the preset rate of trades.

Displaying at a user terminal a second type of indicator representing an order request, wherein the first type of indicator represents the order request at a first time which represents a time before the event is detected and the second type of indicator represents the order request at a second time which represents a time after the event is detected.

Reasons for Allowance

The closest prior art that the examiner has been able to locate is Waelbroeck et al, U.S. PG-Pub 2002/0052827. Waelbrook provides methods for inquiring about the size of an order a previous buyer purchased at a specific price point. The method, given in Waelbrook, established a price and a quantity of a security that a user would like to sell. The method then went out into a market and found the last buyer of the security at

the given price and compared the quantity the user purchased. If the quantity the last
buyer purchased was not close the one intended to be sold by the user, the system
would check the next buyer. The method would only execute an order when the quantity
the user wanted to sell and the quantity the buyer wanted to purchase were close.

While Waelbrook is similar to the instant application in many aspects, there are
clear patentable distinctions. Initially, Waelbrook does not teach comparing the rate of
trades to a preset rate of trades, nor does Waelbrook teach releasing the order request
to the matching engine at the electronic exchange when the rate of trades exceeds the
preset rate of trades. Waelbrook's method uses the quantity value of an order as a
threshold value to search for a close match to the bidding quantity. In the present
invention however, there is no concern over finding a matching order close in quantity,
rather determining past trade volumes and if they are larger than the given preset rate
of trades.

Secondly, Waelbrook does not directly compare a rate of trade value to a preset
rate of trade. As stated above, Waelbrook compares an order rate of trade to past
purchased rates of trade of an individual; while the present invention is concerned with
overall rate of trade at a given price level.

The following is a formal statement of reasons for allowance:

Claims 1, 17, 24, and 25 are allowed because the best prior art of record,
Waelbrook, alone or in combination, neither discloses nor fairly suggest the limitations,

in a method, and associated computer readable medium with instruction encoded

thereon, for

> *sending an order to an electronic exchange, the method comprising:*
> *receiving a command representing an order request that comprises an order to buy or sell a quantity of a tradeable object at a particular price;*
> *temporarily holding the order request in a memory unit such that the order request is not sent to a matching engine at the electronic exchange;*
> *receiving market data comprising quantity and price information relating to the tradeable object being traded at the electronic exchange; and*
> *using the market data to determine a rate of trades at one or more prices occurring at the electronic exchange;*
> *comparing the rate of trades to a preset rate of trades;*
> *releasing the order request to the matching engine at the electronic exchange when the rate of trades exceeds the preset rate of trades; ̅*
> *determining if at least a portion of the quantity of the order remains in an electronic order book at the electronic exchange for a preset time period; and*
> *responsive to determining if said portion of the quantity remains in the electronic order book, sending a request to delete the remaining quantity of the order.*
> *establishing an order quantity;*

Claims 2-6, 8-16, and 20-23 are also allowable for the same reason discussed

above, in that they are dependent on allowed Claims 1 and 39. As a final matter any

comments considered necessary by Applicant must be submitted no later than the

payment of the issue fee and; to avoid processing delays, should preferably accompany

the issue fee. Such submission should be clearly labeled "Comments on Statement of

Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES A. VEZERIS whose telephone number is

(571)270-1580. The examiner can normally be reached on Monday-alt. Fridays

7:30am-5:00pm.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6803. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

      Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/   /JAMES A VEZERIS/
Supervisory Patent Examiner, Art Unit 3693   Examiner, Art Unit 3693

5/11/2009